

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CUPERTINO UNION SCHOOL
DISTRICT.

OAH CASE NO. 2014060046

NOTICE OF NO ACTION
REGARDING WAIVER OF
RESOLUTION SESSION

Student filed this complaint on May 27, 2014. Mediation is scheduled on July 2, the prehearing conference is scheduled on July 11, and the hearing is scheduled to begin on July 23, 2014.

The complaint states that Student waived the resolution session and requested that the timeline for decision begin upon receipt of the complaint. Although OAH ordinarily requires that a party file separate motions or requests and not combine them with a complaint or other document, this request will be addressed.

APPLICABLE LAW AND DISCUSSION

A school district must convene a meeting to discuss the issues raised in a due process complaint in order to attempt to resolve the dispute. (34 C.F.R. § 300.510 (a)(1), (2).) This meeting is commonly known as a resolution session. A resolution session need not be held if the parent and school district agree in writing to waive it. (*Id.* at § 300.510(a)(3)(i)). If the parties agree to waive the resolution session, the 45-day timeline for a due process hearing begins the day after the waiver. (*Id.* at § 300.510(c)(1).)

When the parties agree in writing to waive a resolution session, OAH will move forward the dates for mediation, prehearing conference, and hearing to accommodate the beginning of the 45-day timeline for decision. In this case, the statement in the complaint that Student waived the resolution session is not signed by both parties. As a result, the timeline governing this matter will not change. The dates contained in the scheduling order are confirmed.

DATE: June 2, 2014

/s/

JUDITH A. KOPEC

Division Presiding Administrative Law Judge
Office of Administrative Hearings